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UNCLAS SECTION 01 OF 02 HANOI 000622

SIPDIS

SENSITIVE

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DEPT PASS TO EAP/MLS; OFM; L/EAP; L/CA

E.O. 12958: N/A

TAGS: PREL PGOV AMGT VM

SUBJECT: CONSULAR DISTRICTS AND CONSULATES: ANOTHER PROTEST;
PROVINCIAL AUTHORITIES OPPOSE REDISTRICTING, GVN WOULD LIKE OFFICIAL
REQUEST ON THE DANANG APP

Ref: A) Hanoi 255; B) Hanoi 599; C) STATE 40151; B) HANOI 239;
C) HANOI 255; C) 06 HCMC 1483; D) 06 HCMC 246

¶1. (U) This is an action request. Please see paragraph 6.

Summary

¶12. (SBU) During a March 29 meeting with the CDA, MFA Consular Department Director General Bui Dinh Dzinh presented another protest complaining of the "out of district" activities of Congen HCMC officials. After receiving CDA's response, Dzinh explained that many in the MFA agree that the HCMC consulates of the United States and others, such as Japan, China and Russia, should have their districts officially expanded to have authority beyond the city's immediate environs. However, provincial authorities' opposition to redistricting has prevented the MFA from taking steps to allow this.

In a separate meeting with Charge March 29, MFA Americas Department DG Pham Van Que explained that a written request from the USG on the Danang American Presence Post (APP) would aid Que in initiating MFA and GVN consideration of this matter. Post requests permission to transmit a written request, with the appropriate caveats, such as the need for Congressional approval. In so doing, we hope to advance our "medium-term strategy" to resolve the consular district issue (Ref A). End Summary.

Consular Districts -- Another Protest

¶13. (SBU) MFA Consular Department Director General Bui Dinh Dzinh called in the CDA on March 29, primarily to discuss issues regarding the release of dissident Phan Van Ban (Ref B). After dealing with that, Dzinh presented another protest against the "out of district" activities of officials of Congen HCMC. Dzinh asserted that, during 2006, ConGen HCMC officers made 19 visits outside the Ho Chi Minh City consular district "without first notifying GVN authorities." DG Dzinh reiterated the GVN's position that visits without prior notification violate Vietnamese regulations and the Vienna Convention on Consular Relations. Furthermore, the GVN is concerned because, if consular officers travel on business outside of Ho Chi Minh City without notifying the GVN beforehand, the GVN cannot provide security. "A terrorist incident could take place, hurting Vietnam's image," Dzinh said. (Note: The Consulate General always notifies the HCMC External Relations Office of its official travel outside of Ho Chi Minh City. However, the GVN assumes that all "out of district" activities must be approved by the GVN in advance and arranged by GVN or provincial officials. The Consulate General does not follow that GVN expectation, especially in regard to its extensive travel to investigate consular fraud. End Note.)

¶14. (SBU) The CDA responded, deploying points in our latest diplomatic note (Ref C, which was being separately delivered that day to the MFA). He explained that ConGen HCMC officials currently carry out their functions from Thua Thien-Hue Province southwards,

per the 1997 exchange of letters between then-Charge Desaix Anderson and Assistant Foreign Minister Bui Hong Phuc. This exchange provides that ConGen HCMC personnel "may perform official duties in the Thua Thien-Hue Province and territory southward in the same manner as official duties performed in Ho Chi Minh City," the CDA explained.

15. (SBU) After this round of sparring, Dzinh volunteered that China, Russia and Japan have also complained about the current situation, in which foreign consulates are accredited only to the provincial-level municipal jurisdiction in which they are sited. Many in the MFA want to change the current scope of various third-country consular districts. The issue is not that consulates are restricted by law to their host cities, he explained. Rather, under Vietnamese practice, each provincial jurisdiction has a veto on changing the current consular districting status quo. General provincial opposition to extending HCMC's consular district has been strong, and has prevented previous Hanoi efforts to expand consular districts. DG Dzinh suggested that the MFA might begin with a strategy of recruiting provinces adjacent to Ho Chi Minh City to accept such a change in consular jurisdiction, and expand gradually to include other provinces.

Danang APP

16. (SBU) As addresses know, Mission Vietnam is hopeful that Vietnamese interest in adding one or more consulates in the United States, and announcing that decision in conjunction with President Nguyen Minh Triet's proposed visit to the United States later this year, will give us leverage to revisit and finally address the consular district issues (Ref A). In a separate meeting March 29, MFA Americas Department DG Pham Van Que reiterated the GVN's interest in having the United States and Vietnam open new

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consulates. Que reported that, to help spur quick GVN inter-agency consideration of this matter, it would be helpful for the United States to formalize its request to open a consulate in Danang, which has been the subject of informal discussion to date.

17. (SBU) Action Request: Post requests that the Department authorize the Embassy to transmit a formal request, with appropriate caveats, to the GVN to initiate the process of GVN consideration of APP Danang.

MARINE